

7097. Adulteration and misbranding of mustard. U. S. * * * v. 70 Barrels of a Product Purporting to be Prepared Mustard, more or less * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9692. I. S. No. 15458-r. S. No. E-1232.)

On February 10, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 barrels, more or less, of a product purporting to be prepared mustard, consigned on November 25, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Dawson Bros. Mfg. Co., Lynchburg, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that foreign substances, to wit, wheat flour and turmeric, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in whole or in part for the article, and had been mixed and packed with turmeric in a manner whereby inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement, "Prepared Mustard," borne on the labels of the barrels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 15, 1919, the Whiteford Mfg. Co., Baltimore, Md., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

E. D. BALL,

Acting Secretary of Agriculture.

7098. Adulteration and misbranding of olive oil. U. S. * * * v. 5 Cases of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9693. I. S. No. 7054-r. S. No. C-1059.)

On February 19, 1919, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of alleged olive oil, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped on or about October 10, 1918, by the Italo-American Distilling Co., Chicago, Ill., and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled and marked as follows: "Half Full Gallon Net. Italy. Pure Olive Oil," and "Olive Oil, Phillip Berio and C. Lucca," and also with design of medal, and the statement, "Phillip Berio and C. Lucca, Tuscany."

Adulteration of the article was alleged in the libel for the reason that certain other substances, to wit, peanut oil, cottonseed oil, and corn oil, had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the cans bore false and misleading statements, designs, and devices regarding the article,

to wit, that the contents thereof were "Pure Olive Oil," and the said contents were so marked and labeled, and which said statement and mark, together with the design and general appearance of said label, were false and misleading, and deceived and misled the purchaser, when, in truth and in fact, the article consisted in large part of certain other substances than olive oil, to wit, peanut oil, cottonseed oil, and corn oil, and was not the product of "Phillip Berio and C. Lucca, Tuscany," and did not come from Tuscany. Misbranding of the article was alleged for the further reason that the contents of the packages as originally put up had been removed in whole or in part and other contents, to wit, peanut oil, cottonseed oil, and corn oil, or some of them, had been placed in such packages instead of the original contents; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure olive oil; and for the further reason that when labeled and branded as aforesaid it purported to be a foreign product, to wit, a product of Tuscany, Italy, when, in truth and in fact, it was not a foreign product, but was a domestic product. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents of the packages was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, but, on the contrary, the quantity of the contents of the bottles was falsely and incorrectly stated on the outside thereof, to wit, as "Half Full Gallon Net," when, in truth and in fact, the quantity of the contents of said bottles or cans was not a half full gallon net, but was materially less, to wit, 3.20 per cent less than such quantity so marked thereon.

On May 2, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7099. Adulteration of oranges. U. S. * * * v. 50 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9698. I. S. No. 14371-r. S. No. E-1243.)

On February 11, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 boxes of oranges, consigned by the California Mutual Packing Co., remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on February 3, 1919, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The oranges were originally shipped from California by the California Mutual Packing Co., to the State of Massachusetts and reshipped from the State of Massachusetts into the State of Connecticut by Sweeney, Lynes & Co., Boston, Mass.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 28, 1919, James J. Morrissey, Boston, Mass., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL,

Acting Secretary of Agriculture.